

# EXHIBIT

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# *Committee Meeting*

of

## ASSEMBLY JUDICIARY COMMITTEE AND ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE

*"Testimony from invited individuals concerning asbestos contamination  
at the former W.R. Grace Zonolite plant in Hamilton Township, Mercer County"*

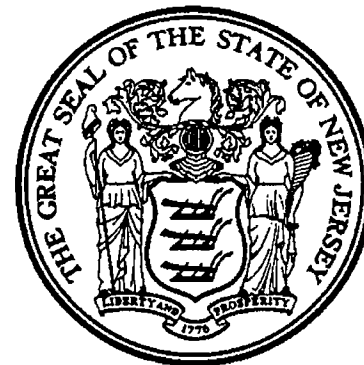
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**LOCATION:** Committee Room 11  
State House Annex  
Trenton, New Jersey

**DATE:** May 10, 2005  
11:00 a.m.

### **MEMBERS OF COMMITTEES PRESENT:**

Assemblywoman Linda R. Greenstein, Chair  
Assemblyman John F. McKeon, Chair  
Assemblyman Patrick J. Diegnan Jr., Vice Chair  
Assemblyman Michael J. Panter, Vice Chair  
Assemblyman Peter J. Barnes Jr.  
Assemblyman Robert M. Gordon  
Assemblyman Reed Gusciora  
Assemblyman Louis M. Manzo  
Assemblyman Bill Baroni  
Assemblyman Michael Patrick Carroll  
Assemblyman Larry Chatzidakis



### **ALSO PRESENT:**

Rafaela Garcia  
Carrie Anne Calvo-Hahn  
*Office of Legislative Services  
Committee Aides*

Kay Henderson  
David Eber  
*Assembly Majority  
Committee Aides*

Mary C. Beaumont  
Thea M. Sheridan  
*Assembly Republican  
Committee Aides*

***Meeting Recorded and Transcribed by  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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Information  
submitted by  
James Blumenstock and  
Jerald Fagliano, Ph.D.

84x

rs: 1-104  
lmb: 105-192

ASSEMBLYMAN BARONI: Oh, I certainly agree with that. I certainly agree with that.

Let me move on to the second, Madam Chair, very briefly.

You had mentioned, Mayor, about a memorandum that had 21 officials notified. Could you tell me the date of the memo, again? I'm sorry, forgive me.

MAYOR GILMORE: Sure, that's actually dated-- Well, I see a date stamp on here of November 6, 2002. Let's see if there's any other date. It's actually signed by the Director of Emergency and Remedial Response Division of the U.S. EPA. And it's dated both by way of signature and stamp the sixth of November, 2002.

ASSEMBLYMAN BARONI: Can you-- I know you mentioned it before, that you'd provide it to the Committee. And we're grateful for that. And I'm sure the Chairs will provide it to all of us. But you said that there were members of the Department of Environmental Protection who were named on it, that received -- that were CC'd on -- received that document. I know you're going to provide that document.

But, Mayor, we're going to have the opportunity, in a few minutes, to ask questions to DEP. Can you share with us the people from DEP who are named on that document?

MAYOR GILMORE: They have, by way of carbon copy, an R. Van Fossen, NJDEP; and a J. Smolenski. They also have additionally noted someone from the New Jersey Department of Health Services, I guess this would be -- NJDHSS, a J. Pasqualo, as well.

ASSEMBLYMAN BARONI: Is there anyone else from any other governmental agencies? Has anyone from Mercer County received that document?

MAYOR GILMORE: There are other abbreviations, which I'm not aware of what they stand for. There is an NJSFB. Again, I'm not sure what that would stand for. And there are others which I suspect are Federal levels.

ASSEMBLYMAN BARONI: And finally, Mayor, on the issue of the two-volume report. I, like you, am troubled by the fact this would show up at our great township library. Is there a process-- Where would, normally, this kind of a document go? Would it come to the clerk's office, to your office?

MAYOR GILMORE: If something-- If it's a governmental record, it may well go just directly to our library. I would hope that a document of this sort would not just simply be mailed to anyone, but rather be preceded by a phone call saying, "Mayor, we'd like to meet with you and your health department to review a voluminous report that we have just completed." That was never done.

ASSEMBLYMAN BARONI: Would you join me in thinking that that was planned? It was purposeful not to trigger anyone's attention, to file it in the library with thousands of other books?

MAYOR GILMORE: I think it highly unusual and unconscionable not to have reached out to the mayor of the community to say, "Hey, you should be aware of this."

ASSEMBLYMAN BARONI: Thank you, Mayor.



years earlier, the follow-up as to individual sites that took material from vermiculite -- or asbestos-containing vermiculite from Libby was very clearly something EPA had assumed responsibility for. And so that does not mean that better notice shouldn't have been provided. I'm just trying to give you a sense of the institutional division of responsibility.

ASSEMBLYMAN BARONI: Okay.

I'll move on. The issue of-- Mayor Gilmore provided a report -- or a short report, and CC'd two or three of your employees, at least at the time of the report. Did anyone above those employees see that report who were not CC'd on it?

COMMISSIONER CAMPBELL: It was transmitted to me, as well as to the employees at the time. These are the recent sampling reports that the Mayor prepared?

ASSEMBLYMAN BARONI: No, no. This was the report that the Mayor complained he was not one of the 21 -- correctly complained he was not one of the 21 CC'd. Your employees, R. Van Fossen and J. Smolenski, in your Department received that--

ASSEMBLYMAN MANZO: EPA report.

ASSEMBLYMAN BARONI: Thank you, my colleague Mr. Manzo.

The EPA report. Did you see that report?

COMMISSIONER CAMPBELL: I did not see that, no.

ASSEMBLYMAN BARONI: If I might move on.